



17155 Rec'd PCT/PTO 19 AUG 2002

Attorney Docket No. PT 1.1678 (5899*13)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EGGETLING ET AL.

BOX: SEQUENCE

SERIAL NO. 09/914.006

ART UNIT: Not Assigned

FILED: AUGUST 21, 2001

EXAMINER: Not Assigned

**FOR: METHOD FOR MICROBIOLOGICALLY
PRODUCING L-V.A.**

Commission for Patents
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS COMMUNICATION IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AT PRIORITY MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, U.S. PATENT AND TRADEMARK OFFICE, 20231 ON THIS 25 DAY OF July 2002.

32. *J Lynn Ferry*

Sir:

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE
AND STATEMENT UNDER 37 C.F.R. 1.825 (d)**

In response to the Notification of Defective Response mailed July 1, 2002, please find attached a substitute copy of the Sequence Listing in computer readable form filed on March 27, 2002. I hereby state that the substitute data in the attached substitute copy is identical to the data in the Sequence Listing in computer readable form filed on March 27, 2002.

A copy of the Notification of Defective Response, mailed July 1, 2002, is attached herewith

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775.

Respectfully submitted,

Connolly Bove Lodge and Hutz LLP

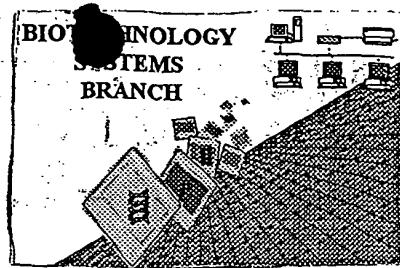
Date: July 25, 2002

By: Thomas M. Rizzo
Thomas M. Rizzo, Ph.D.
Reg. No. 41,272
Telephone: (302)888-6414

211421_1.DOC

Pu/09

CRF Problem Report



FF7

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/914,006A
Filing Date: 8/21/2001
Date Processed by STIC: 5/22/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)
 Blank (no files on CRF) (see attached)
 Empty file (filename present, but no bytes in file) (see attached)
 Virus-infected. Virus name: _____ The STIC will not process the CRF.
 Not saved in ASCII text
 Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.
 Did not contain a Sequence Listing. (see attached sample)
 Other:

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

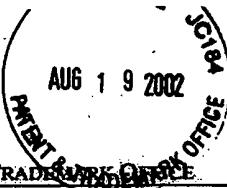
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
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|-------------------------------|-----------------------|-------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/914,006 | Lothar Eggeling | PT 1.1678 |
| | | INTERNATIONAL APPLICATION NO. |
| | | PCT/EP00/01405 |
| | | I.A. FILING DATE |
| | | 02/21/2000 |
| | | PRIORITY DATE |
| | | 02/22/1999 |
| CONFIRMATION NO. 7184 | | |
| 371 FORMALITIES LETTER | | |
| *OC000000008376248* | | |

Date Mailed: 07/01/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn-Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/914,006 | PCT/EP00/01405 | PT 1.1678 |